

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 4, 2002**

The Tippecanoe County Commissioners met on Wednesday, September 4, 2002 at 9:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President KD Benson, and Member Ruth E. Shedd; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Benson moved to approve the minutes of the August 13, 2002 Special Meeting, the August 19, 2002 Regular Meeting, and the August 28, 2002 Special Meeting as distributed, seconded by Commissioner Shedd; motion carried.

JAIL EXPANSION UPDATE: Kettelhut Representative Steve Habben

Holding area: The exterior and site work are completed. Inside finishes such as painting and flooring are also finished. The security system will be installed in September. The Sheriff's staff will be moving in the area in early October, and they plan to move prisoners into the new Holding area in late October. Renovation of the existing Holding area will begin in November and take approximately two months.

New pod: All masonry work should be completed by the end of September. Mechanical and electrical are being roughed-in and finishes such as painting will be started this month. He hopes the new pod will be completed by the end of March.

APPROVAL OF CLAIMS

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Shedd moved to approve the Claims as submitted for the periods ending August 23, 2002, August 30, 2002, and September 4, 2002, seconded by Commissioner Benson; motion carried.

HIGHWAY: Executive Director Mark Albers

WARRANTY DEEDS: CR 400 S Extension & CR 500 W Reconstruction

Key #140-00500-0124:

Key #140-00500-0080: Parcel #11:

A part of the W ½ of the NE ¼ of Sec 17, Twp 22 N, R 5 W, Wayne Twp from Westland, LLC.

Key #140-00400-0092:

Key #140-00400-0081: Parcel #12:

A part of the E ½ of the SE ¼ of Sec 8, Twp 22 N, R 5 W, Wayne Twp from Dorothy Elaine Baumgardt, Personal Representative of the estate of Ada Marie Blain, deceased.

Key #128-00500-0080:

Key #128-00500-0145: Parcel #13:

A part of the W ½ of the SW ¼ of Sec 9, Twp 22 N, R 5 W, Union Twp from Sandra K. Freed.

- Commissioner Benson moved to accept the Warranty Deeds, seconded by Commissioner Shedd; motion carried.

AWARD SALT QUOTES

Mr. Albers said the Highway Department received three (3) Salt quotes for 2003.

North American Salt Co.	\$42.55/ton
Morton Salt	\$43.00/ton
Cargill	\$45.73/ton

- Upon Mr. Albers' recommendation, Commissioner Benson moved to award North American Salt Co. as the primary supplier and Morton Salt as the secondary supplier, seconded by Commissioner Shedd; motion carried.

OPEN BIDS: Tandem Axle Dump Truck (2)

Attorney Luhman opened bids from the following:

Indiana Truck Sales (2)	Bid Bond	\$237,366	
Speedway International, Inc.	(2)	Bid Bond	\$224,906
	(2)	\$225,574	
	(2)	\$235,640	
	(2)	\$236,308	
Mike Raisor Ford, Inc.	Bid Bond		
Ford (2)		\$223,702	
Sterling (2)		\$151,282	

- Upon Attorney Luhman's recommendation, Commissioner Benson moved to take the bids under advisement, seconded by Commissioner Shedd; motion carried.

CONSTRUCTION MAINTENANCE BONDS: Milestone Contractors, L.P. & R & W Contracting, Inc.

- Commissioner Benson moved to accept 3 year Construction Maintenance Bond #400SD3770 for Milestone Contractors, L.P. in the amount of \$5,000 for work on the right-of-way of Copper Beech Town homes off Klondike Rd. and 3 year Construction Maintenance Bond #54-124968 for R & W Contracting, Inc. in the amount of \$5,000 to install a commercial drive entrance on CR 250 N for the Sports Complex in the right-of-way, seconded by Commissioner Shedd; motion carried.

PAYMENT & PERFORMANCE BONDS: Chemi-Trol Chemical Co.

- Commissioner Benson moved to accept Payment and Performance Bonds #5454477 each in the amount of \$60,848.54 for the 2002 Tippecanoe County Pavement marking Program for Chemi-Trol Chemical Co., seconded by Commissioner Shedd; motion carried.

GRANTS OF RIGHT OF WAY

Key #112-01200-0144: 30' R/W west of center line of East Co. Line Rd.
30' R/W south of center line of CR 250 N

30' R/W north of center line of CR 200 N; A part of the SE $\frac{1}{4}$, Sec 12, Twp 22 N, R 3 W 2nd P.M.,
Perry Twp from Bruce C. & Kathryn R. Young.

Key #118-00100-0062: 30' R/W west of center line of CR 1050 E; A part of the SW $\frac{1}{4}$, Sec 1, Twp 22 N, R 3 W, Sheffield Twp from Thomas P. & Jo Ann Rohr.

Key #118-00400-0059: 40' R/W south of the section line of CR 200 S; Part of the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the NE fractional $\frac{1}{4}$ of Sec 4, Twp 22 N, R 3 W, Sheffield Twp from Franklin L. Spain, Jr.

Key #140-03000-0044: 30' R/W north of center line of CR 650 S; Part of the NE $\frac{1}{4}$ of Sec 27, Twp 22 N, R 6 W, Wayne Twp from Frank D. Raub and Donald R. Roegner.

CERTIFICATES OF INSURANCE

- St Paul Fire and Marine Ins Co for Milestone Contractors, L.P.
- Erie Insurance Exchange for Ken Koch
- General Casualty Insurance Co, Zenith Insurance Company for R & W Contracting, Inc.
- Cincinnati Ins Co, Cincinnati Casualty for Titan Contracting Inc.
- Indiana Insurance Company for Ron Whistler/Land Quest LLC
- Indiana Insurance Group for Scheumann Properties LLC
- EMC Insurance Company for Lighthouse Home Center, Inc.
- Progressive for Michael L Taber, Affordable Mobile Home Service

ORDINANCE 2002-34-CM: UZO Amendment #31

- Commissioner Benson moved to hear and approve Ordinance 2002-34-CM, seconded by Commissioner Shedd.

(quote)

August 22, 2002

Ref. No. 02-477

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **UZO AMENDMENT #31:** An omnibus amendment to modify and clarify nine sections of Chapters 1, 2, 3, 4, and 5 of the *New Unified Zoning Ordinance*.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 21, 2002, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to approve the enclosed UZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-34-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1. Change **1-10-2, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of CHAPTER 1, GENERAL PROVISIONS,** by deleting the definition of **ONE AND TWO FAMILY DWELLING CODE, INDIANA,** and adding the following definition:

INDIANA RESIDENTIAL CODE. The nationally recognized model building code titled The International Residential Code for One and two Family Dwellings as adopted under *675 I.A.C. 14*, and, which includes those supplements and amendments promulgated by the Indiana Department of Fire and Building Services.

Section 2. Change **1-10-2, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of CHAPTER 1, GENERAL PROVISIONS,** by revising the definition of **MANUFACTURED HOME** to read:

- (2) is attached to a *permanent foundation* and has a *permanent perimeter enclosure*, built in accordance with the *Indiana Residential Code*;

And by revising the definition of **PERMANENT PERIMETER ENCLOSURE** to read:

PERMANENT PERIMETER ENCLOSURE. A permanent perimeter structural system, completely enclosing the space between the floor joists of the home and the ground except for necessary openings, constructed in accordance with the *Indiana Residential Code*.

Section 3. Change Section 3-2, **PRIMARY USE TABLE** by eliminating Footnote Number 5 from SIC 078, Landscape and horticultural services.

Section 4. Change Section 3-2, **PRIMARY USE TABLE** Footnote Number 39 “permitted indoors only” to read,

“in commercial zones, permitted indoors only”.

Section 5. Change Section 3-2, **PRIMARY USE TABLE** by allowing SIC 7997, membership sports and recreation clubs by special exception in the A and AW zones.

Section 6. Change Section 3-2, **PRIMARY USE TABLE** by allowing SIC 7997, Tennis clubs by special exception in the I1, I2, and I3 districts and also allow SIC 7999, Amusement and recreation services, not elsewhere classified (indoor) and (outdoor) with a special exception in the I1, I2, and I3 districts.

Section 7. Change **MINIMUM LOT AREA** in Sections 2-1-4 (**R1**), 2-2-4 (**R1A**), 2-3-4 (**R1B**) **SINGLE-FAMILY RESIDENTIAL ZONES**, Section 2-6-4 (**R2**) **SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL ZONES**, Section 2-23-4, **AGRICULTURAL ZONES**, Section 2-24-5, **SELECT AGRICULTURAL ZONES**, Section 2-25-4, **AGRICULTURAL AND WOODED ZONES**, to read:

Residential use: Not served by sanitary sewer – as determined by the Tippecanoe County Health Department (and the Division of Sanitary Engineering, Indiana State Department of Health except for **single-** and **two-family residences**), on a lot-by-lot basis, but in no case less than 30,000 square feet.

Also change footnote 1 of the chart in Section 4-2-1 to read:

1 For **uses** served by sanitary sewer only. Minimum **lot area** and **width** for **uses** not served by sanitary sewer will be as approved by the Tippecanoe County Health Department and the Division of Sanitary Engineering, Indiana State Department of Health, on a lot-by-lot basis, and will in no case be less than 30,000 square feet.

Also change Section 4-3-1 **LOTS NOT SERVED BY SANITARY SEWER**, subsection (b) to read:

Shall in no case be less than 30,000 square feet.

Section 8. Change Section 3-2, **PRIMARY USE TABLE**, by adding SIC 7999, Adult cabaret allowed by right in the GB district.

Section 9. Change the following typographical errors and incomplete phrases:

- a) Section 4-6-11 d – Off-site Parking Exclusions, Reductions, and Exceptions. “may permit required or optional parking to be located off-site under certain circumstances.”
- b) Section 4-11-3 – change the heading to read: **BOARDING, BREEDING, AND GROOMING OF ANIMALS OTHER THAN HORSES AND FARM ANIMALS.**
- c) Section 6-2-4 2 – “...the work authorized by the permit is suspended or abandoned for 6 months;
- d) Section 4-6-13b – change “xisting” to read “existing”.

This ordinance shall be in full force and effect from and after its passage.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this _____ day of _____, 20____.

VOTE:

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

Area Plan Assistant Director Sallie Fahey explained there are five (5) proposed changes in this ordinance: A new definition for "Indiana Residential Code", four (4) changes to the Primary Use Table, the increase in minimum lot area for septic system users, the addition of "Adult Cabaret" to the Use Table, and four (4) minor additions and corrections.

Auditor Plantenga recorded the vote:

John Knochel Yes
KD Benson Yes
Ruth Shedd Yes

- The motion to approve Ordinance 2002-34-CM passed 3 – 0.

ORDINANCE 2002-35-CM: Z-2078, Robert Cummings R1 to A

- Commissioner Benson moved to hear and approve Ordinance 2002-35-CM, seconded by Commissioner Shedd.

(quote)

August 22, 2002
Ref. No.: 02-485

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2078-ROBERT CUMMINGS (R1 TO A):**
Petitioner is requesting the rezoning of 2.95 acres (Parcel B in P83-39) located southwest of Wea Woodlands Subdivision at 6420 Wea Woodlands Drive, Wea 30 (SE) 22-4. CONTINUED FROM THE JULY MEETING AT PETITIONER'S REQUEST.

Dear County Commissioners~

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 21, 2002, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from R1 to A. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their September 4, 2002 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-35-CM**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE,
FROM R1 TO A.****BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
TIPPECANOE, INDIANA:**

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby Amended to rezone the following described real estate situated in Wea Township, Tippecanoe County, Indiana, to wit:

A part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, described as follows:

Beginning at an iron pipe found on the North line of the Southeast Quarter of said Section 30, said point being 488.00 feet West of the Southeast Corner of Wea Woodlands Subdivision and 160.00 feet West of the Northeast Corner of the Northwest Quarter of the Southeast Quarter of said Section 30; thence South 00°00'00" West, 250.00 feet to an iron pipe; thence South 90°00'00" West, 348.48 feet to an iron pipe; thence North 00°00'00" East, 250.00 feet to an iron pipe; thence North 90°00'00" East, 348.48 feet to the point of beginning containing 2.000 acres, more or less.

ALSO

A part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, described as follows:

Beginning at an iron pipe found on the North line of the Southeast Quarter of said Section 30, said point being 488.00 feet West of the Southeast Corner of Wea Woodlands Subdivision and 160.00 feet West of the Northeast Corner of the Northwest Quarter of the

Southeast Quarter of said Section 30; thence South 00°00'00" West, 250.00 feet to an iron pipe; thence South 90°00'00" West, 348.48 feet to an iron pipe, the point of beginning; thence North 00°00'00" East, 250.00 feet to an iron pipe; thence North 90°00'00" West, 165.26 feet to an iron pipe; thence South 00°07' West 250 feet; thence South 90° East 165.26 feet; more or less to the point of beginning, containing .95 of an acre more or less.

Section 2. The real estate described above should be and the same is hereby rezoned from R1 to A.

Section 3. This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 4th day of September, 2002.

VOTE:

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

Attest: _____
Bob Plantenga, Auditor

(unquote)

Representing the petitioner, Attorney Joe Bumbleburg explained that approval of this rezone request will legitimize the petitioner's lawn care business at this location. He said no customers come to the site nor is any work done there. The parcel is not eligible for site development for further site development.

Auditor Plantenga recorded the vote:

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- The motion to approve Ordinance 2002-35-CM passed 3 – 0.

ORDINANCE 2002-36-CM: Z-2080, George & Ruby Tsao, Trustees A to R1

- Commissioner Benson moved to hear and approve Ordinance 2002-36-CM, seconded by Commissioner Shedd.

(quote)

August 22, 2002
Ref. No.: 02-487

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2080-GEORGE & RUBY TSAO, TRUSTEES (A TO R1):**
Petitioners are requesting the rezoning of 25.654 acres located at the southwest corner of CR 450 N and CR 300 W, Wabash 34 (SE) 24-5.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 21, 2002, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from A to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their September 4, 2002 regular meeting.

Sincerely
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-36-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE FROM TO A TO R1**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF

TIPPECANOE, INDIANA;

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance not a part of the unified county code, is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to-wit:

A part of the East Half of the Southeast Quarter of Section 34, Township 24 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana more particularly described as follows:

Beginning at the Northeast corner of the Southeast Quarter of said Section 34; thence South 00°05'30" East along the East line of said Southeast Quarter and the approximate centerline of County Road 300 West, a distance of 1129.83 feet; thence South 89°12'28" West, a distance of 425.42 feet to a point on the flood plain; thence following the flood plain the following 21 courses: North 40°58'28" West, a distance of 13.06 feet; North 49°05'46" West, a distance of 92.27 feet; North 43°57'22" West, a distance of 65.50 feet; North 37°47'37" West, a distance of 30.24 feet; North 65°23'20" West, a distance of 31.32 feet; North 71°52'34" West, a distance of 107.80 feet; North 61°08'46" West, a distance of 53.71 feet; North 44°57'54" West, a distance of 61.52 feet; North 33°23'23" West, a distance of 48.09 feet; North 24°58'16" West, a distance of 72.75 feet; North 39°52'59" West, a distance of 76.26 feet; North 43°30'51" West, a distance of 76.82 feet; North 50°52'51" West, a distance of 77.18 feet; North 54°39'29" West, a distance of 67.26 feet; North 44°42'26" West, a distance of 46.38 feet; North 00°47'32" West, a distance of 64.26 feet; South 89°12'28" West, a distance of 45.19 feet; North 21°16'40" West, a distance of 57.32 feet; North 07°36'58" West, a distance of 144.43 feet; North 32°25'44" West, a distance of 271.84 feet; North 00°47'34" West, a distance of 54.64 feet to the North line of said Southeast Quarter and the approximate centerline of County Road 450 North; thence South 89°42'20" East along said North line and approximate centerline of County Road 450 North, a distance of 1326.23 feet to the point of beginning containing 25.654 acres more or less.

Section 2. The real estate described above should be and the same is hereby rezoned from A to R1.

Section 3. This ordinance shall be in full force and effect from and after its passage.

(Adopted and Passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 4th day of September, 2002.

VOTE:

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

Attorney Joe Bumbleburg explained that this request is a technical correction because it was missed during a prior rezone request.

Auditor Plantenga recorded the vote:

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2002-36-CM passed 3 – 0.

RESOLUTION 2002-28-CM: EDIT Amendment 35, Lauramie Township Grant

Lauramie Township Trustee Bill Easterbrook requested approval of a \$15,000 grant from EDIT Funds so they can pursue regionalization of the Lauramie Township Sewer District. The grant will pay for Environmental and Archeological Reviews that are required in addition to the Preliminary Engineering Review. He said the Department of Commerce won't approve a separate sewer system for Stockwell because they want them to regionalize with either Clarks Hill or Lafayette. This study will include the option of regionalizing with Clarks Hill but will not include an Environmental Study between Stockwell and Clarks Hill. He said they have a deadline of December 2003 to complete the sewer system or lose their \$750,000 grant from the Department of Commerce.

Commissioner Knochel said he knows there are at least five (5) properties in Stockwell that can't be sold due to septic system problems and this grant will not impact the General Fund.

Attorney Luhman summarized the Resolution that appears in its entirety.

(quote)

TIPPECANOE COUNTY BOARD OF COMMISSIONERS**RESOLUTION NO. 2002-28-CM*****RESOLUTION MODIFYING THE CAPITAL IMPROVEMENT PLAN OF THE
TIPPECANOE COUNTY ECONOMIC DEVELOPMENT INCOME TAX- ADDING
PROJECT 37 FUNDING FOR LAURAMIE TOWNSHIP REGIONAL SEWER DISTRICT*****AMENDMENT 35**

WHEREAS, authority has been granted by IC 6-3.5-7-15 to The Board of Commissioners of the County of Tippecanoe, to adopt a Capital Improvement Plan for the County of Tippecanoe setting forth the uses of the revenues which Tippecanoe County shall receive from the Economic Development Income Tax duly adopted in the year 1989; and

WHEREAS, The Board of Commissioners of the County of Tippecanoe adopted Resolution 90-03-CM establishing an Economic Development Income Tax Capital Improvement Plan on the 7th day of May, 1990 and said Capital Improvement Plan was amended on the 11th day of June, 1990, pursuant to Resolution 90-07-CM; subsequently amended on August 5, 1991, pursuant to Resolution 91-12-CM and again amended on November 9, 1994, pursuant to Resolution 94-14-CM, and again amended on April 1, 1996, pursuant to Resolution No. 96-05-CM, again amended on July 26, 1996, pursuant to Resolution No. 96-09-CM, again amended on February 3, 1997, pursuant to Resolution No. 97-6; and again amended on March 31, 1997, pursuant to Resolution No. 97-19-CM; and again amended on January 20, 1998, pursuant to Resolution No. 98-08-CM; and again amended on May 4, 1998 pursuant to Resolution No. 98-22-CM; and modified and ratified on May 18, 1998 pursuant to Resolution No. 98-26-CM; and again amended on July 20, 1998 pursuant to Resolution No. 98-34-CM; and again amended October 5, 1998 pursuant to Resolution No. 98-42-CM, and again amended on November 2, 1998, pursuant to Resolution No. 98-46-CM, and again amended on March 1, 1999 pursuant to Resolution No. 99-13-CM, and again amended on April 8, 1999 pursuant to Resolution No. 99-19-CM as Modified and Ratified on April 19, 1999 pursuant to Resolution No. 99-22-CM; and again amended on May 3rd, 1999, pursuant to Resolution No. 99-18-CM; and again amended on October 4, 1999, pursuant to Resolution No. 99-30-CM; and again amended on February 7, 2000, pursuant to Resolution 2000-08-CM; and again amended on April 3, 2000, pursuant to Resolution 2000-16-CM as Modified and Ratified on April 17, 2000 pursuant to Resolution No. 2000-22-CM; and again amended on May 3, 2000 pursuant to Resolution 2000-25-CM; and again amended on June 5, 2000 pursuant to Resolution No. 2000-29-CM; and again amended and re-adopted as amended on February 20, 2001 pursuant to Resolution 2001-06-CM; and again amended and re-adopted as amended on April 2, 2001 pursuant to Resolution 2001-15-CM; and again amended and re-adopted as amended on July 16, 2001 pursuant to resolution 2001-32-CM; and again amended and readopted as amended on September 5, 2001 pursuant to Resolution 2001-41 -CM; and again amended and readopted as amended on November 7, 2001

pursuant to Resolution 2001-48-CM; and again amended and readopted as amended on December 3, 2001 pursuant to Resolution 2001-52-CM; and again amended and readopted as amended on March 18, 2002 pursuant to Resolution 2002-06-CM; and again amended and readopted as amended on May 20, 2002 pursuant to Resolution 2002-20-CM;

WHEREAS, said Capital Improvement Plan has, from time to time, been modified, as set forth above, consistent with the Capital Improvement needs of Tippecanoe County; and

WHEREAS, Significant health concerns have been raised concerning the inadequacy of private septic systems in the vicinity of the Town of Stockwell, in Lauramie Township; and

WHEREAS, The Lauramie Township Regional Sewer District (Sewer District) has been created for the purpose of establishing a sanitary sewer system in Lauramie Township in order to provide adequate sewage disposal services for residents of the Township in the vicinity of the Town of Stockwell; and

WHEREAS, The Sewer District has requested a grant from the Board of Commissioners in the sum of \$15,000 for preliminary archeological, environmental and engineering studies required in connection with the proposed connection of a regional sewer system to existing sewage facilities in the Town of Clarks Hill and the City of Lafayette; and

WHEREAS, The Board of Commissioners has determined that the provision (sic) of such funding would promote the public health and safety and economic development of the citizens of Tippecanoe County in general, and Lauramie Township in particular and will be beneficial and cost effective for Tippecanoe County; and

WHEREAS, the Board of Commissioners of the County of Tippecanoe desires to amend the Economic Development Capital Improvement Plan to include such a grant as a new project therein and to re-adopt the Capital Improvement Plan, as amended;

NOW, THEREFORE, BE IT RESOLVED, that after due consideration, The Board of Commissioners of the County of Tippecanoe hereby confirms its finding that Project 37, Funding for the Lauramie Township Regional Sewer District archeological, environmental and engineering studies in the amount of \$15,000.00 be and the same is hereby approved and identified as a project for which economic development income tax revenues may be used pursuant to IC 6-3.5-7-13.1, and that the following amendment to the Capital Improvement Plan should be adopted:

There is added to the Capital Improvement Plan Project Thirty Seven (37).

PROJECT 37

Identification and General Description of Project: Funding for Lauramie Township Regional Sewer District will assist the Sewer District in the establishment of a regional sanitary sewer system to alleviate the public health concerns and impediments to economic development imposed by currently inadequate private septic sewage systems. The proposed funding will enable the sewer district to obtain the archeological, environmental and engineering studies required to determine the feasibility of connecting the proposed system to existing sanitary systems in Clarks Hill or Lafayette.

Estimated Total Project Cost: The estimated cost of the requisite archaeological, environmental and engineering studies is Fifteen Thousand (\$15,000.00) Dollars.

Identification of All Sources of Funds for Project: All funding for the project will be from Economic Development Income Tax revenues.

Planning, Development and Construction Schedule of Project: The studies will be completed in 2002 or early 2003 so as (sic) enable construction of the proposed regional sewage system to be completed by December 2003.

BE IT FURTHER RESOLVED, that in all other respects, the Capital Improvement Plan of the Tippecanoe County Economic Income Tax shall be ratified, confirmed and re-adopted to include the following completed and continuing Projects:

SUMMARY

Description	Project	Amendment Number	Status
Jail Lease	#1	#3	Completed
Courthouse Renovation	#2	#3	Completed
Corner Markers	#3	#3, 33	Continuing
Ambulances	#4	#3, 33	Continuing
Sheriff's Radios	#5	#3, 33	
Graphical Information System (GIS)	#6	#3, 33	Continuing
Warning Sirens (Emergency Management)	#7	#3, 33	Continuing
Community Health Clinic	#8	#4	Completed
Jail Computer System	#9	#5	Continuing
Replacement & Upgrade of Tippecanoe County Computer System	#10	#5, 27, 32	Continuing
Bird Control System	#11	#5	Discontinued
[Omitted]	#12		
Highway Improvements 1997	#13	#10	Completed
Park Board Land Acquisition Grant Funds Transfer -1998	#14	#11	Completed
Highway Improvements 1998	#15	#12	Completed
Tippecanoe County Work Release Facility	#16	#13	Completed
Park Board Land Acquisition	#17	#14	Completed
BENCYN Grant Funding	#18	#15	Completed
Greater Lafayette Progress, Inc.	#19	#16, 33	Continuing
General Drain Improvements / Stormwater Assessment	#20	#20 (should be #17)	Continuing
Highway Improvements - 1999	#21	#21 (should be #18)	Completed
Treasurer's Accounting Software	#22	#22 (should be #19)	Continuing
Tippecanoe Superior Ct. #6	#23	#23	Continuing
Tippecanoe County Parking Garage	#24	#23	Continuing
Tippecanoe County Morgue	#25	#23	Continuing
County Court I Filing System	#26	#23	Completed

Hoosier Heartland Corridor Project	#27	#24, 33	Continuing
Add'l funding for Project 24 - Parking Garage	No New Project #	#25	Continuing
Add'l funding for Project 20 - General Drain / Stormwater Assessment	No New Project #	#26	Continuing
VISION 2020 - Greater Lafayette Progress, Inc.	#28	#27, 33	Continuing
Add'l funding for Projects 4, 7, 10, 19, 27	No New Project #	#27	Continuing
Architectural Fees - Jail Expansion	#29	#27	Continuing
Financial/Human Resources Software (PARIS)	#30	#27, 33	Continuing
Construction Management Fees - Jail Expansion	#31	#28	Continuing
Add'l Project 10 Courthouse Computer Funds	No New Project #	#29	Continuing
Construction Funds - Jail Expansion	#32	#30	Continuing
Add'l Project 20 Stormwater Assessment Funds	No New Project #	#31	Continuing
Telecommunications Infrastructure Needs Assessment	#33	#32	Continuing
NPDES Phase II Stormwater Management System	#34	#33	Continuing
Highway Improvements - 2002	#35	#33	Continuing
Greater Lafayette Community Development Corporation	#36	#34	Continuing
Add'l funding for Project 20 - General Drain Improvements	No New Project #	#34	Continuing
Greater Lafayette Community Development Corporation	#36	#34	Continuing
Lauramie Township Regional Sewer District	#37	#35	Continuing

ADOPTED AND PASSED this 4th day of September, 2002.

BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

Attest:

Robert A. Plantenga, Auditor of
Tippecanoe County

(unquote)

- Commissioner Benson moved to approve Resolution 2002-28-CM, seconded by Commissioner Shedd; motion carried.

BOARD OF ELECTION & REGISTRATION: Registrar Linda Phillips and Nora Jarmon

Mrs. Phillips and Mrs. Jarmon requested approval of the Election Contract for Poll Workers for the November 5, 2002 General Election. Mrs. Phillips noted that Inspectors and Judges who were trained for the May Primary Election will not be required to repeat that training and their pay will be decreased accordingly. All Clerks' pay has increased slightly because all will now be required to train for every election.

- Commissioner Benson moved to approve the Election Contract, seconded by Commissioner Shedd; motion carried.

CHANGES IN 2002 PRECINCT POLLING LOCATIONS: Registrar Linda Phillips

The original list, approved by the Commissioners on February 4, 2002, appears in that set of minutes. Valid reasons were given for changes in locations for the following precincts:

Fairfield 23	Unity Medical Center
Wea 1	Wea Ridge Elementary School
Wabash 11	Covenant Presbyterian Church
Wabash 16	Morton Community Center
Perry 2	Faith Baptist Church
Perry 3	National Guard Armory

Mrs. Phillips noted that Covenant Presbyterian Church will not allow political signs to be placed on their property, but that is the only public location in that precinct.

- Commissioner Benson moved to approve the changes in Polling Locations for the 2002 General Election, seconded by Commissioner Shedd; motion carried.

JUVENILE ALTERNATIVES: Director Cathy Smith

Ms Smith requested acceptance of a grant for an Assistant Truancy Mediator Coordinator that will be funded by a Title 5 Prevention Grant that is in its third year. Ms Smith said the Commissioners previously signed a grant for JAMS that was not approved because JAMS is not a prevention program.

- Commissioner Benson moved to accept the Title 5 Grant award for an Assistant Truancy Mediator Coordinator, seconded by Commissioner Shedd; motion carried.

VERIZON MAINTENANCE AGREEMENT: MITS Executive Director Diane Hawkins

Mrs. Hawkins requested approval of this Maintenance Agreement with Verizon for our new Voice Mail System. This Agreement has a fixed price for five (5) years for each of the County's facilities.

Attorney Luhman had not reviewed the Agreement but advised the Commissioners they could approve it as long as it included the provision that it is subject to an annual appropriation and no penalty will be imposed if we cancel their service due to lack of funding. He said it should also include that any legal action will not be brought against us in another state.

- Commissioner Benson moved to approve the Maintenance Agreement with Verizon subject to the language changes outlined by Attorney Luhman, seconded by Commissioner Shedd; motion carried.

AGREEMENT: Professional Translation Services: Samulowitz & Associates

Attorney Luhman explained that approval of this Agreement was requested by Superior Court but all courts will use the Translation Service as needed. Their Interpreting service, not limited to a particular language, will be paid at a rate of \$50.00 per hour from the courts' budgets.

- Commissioner Benson moved to approve the Agreement with Samulowitz & Associates to provide Professional Translation Services, seconded by Commissioner Shedd; motion carried.

APPOINTMENT: Common Wage Board

- Commissioner Benson moved to appoint Carl Treece as the County's representative for various TSC projects, seconded by Commissioner Shedd; motion carried.

VILLA APPLICATION

- Commissioner Benson moved to accept the application of Evelyn McClain to the Tippecanoe Villa, seconded by Commissioner Shedd; motion carried.

INDIANA CRIMINAL JUSTICE INSTITUTIE GRANT: Operation Pull Over: Lt. Rick Walker

Lt. Walker asked the Commissioners to sign the cover page and the Letter of Support for this Federal grant in the amount of \$26,538 for the Operation Pull Over Program. He said the grant pays overtime for officers who work to enforce the use of passenger restraints in motor vehicles.

- Commissioner Benson moved to approve sending a Letter of Support and to authorize the President to sign the Letter and cover page to the grant, seconded by Commissioner Shedd; motion carried.

COMMISSIONERS DEED: 241 Smith Street

At their July 17, 2002 meeting, the Commissioners accepted an offer of \$1,000 and costs from B & M Properties LLC to purchase property located at 251 Smith Street in Lafayette that the Commissioners acquired at Tax Sale. The Deed for the property was presented for approval.

- Commissioner Benson moved to approve the Deed and authorize the President to sign it, seconded by Commissioner Shedd; motion carried.

QUIET TITLE ACTION: Agreed Order: City of Lafayette v Tippecanoe Board of Commissioners and Janet R. Bootsma

Attorney Luhman explained that this Quiet Title Action was brought by the City of Lafayette in connection with the Railroad Relocation Project for property the County acquired, probably by Tax Sale, and subsequently sold without an adequate legal description. The parties agreed to an order in Quiet Title Action to settle the title of the real estate in the City of Lafayette.

(quote)

STATE OF INDIANA

)SS: IN THE TIPPECANOE SUPERIOR COURT II

TIPPECANOE COUNTY)

CITY OF LAFAYETTE,)

INDIANA,)
 Plaintiff,)
))
 v.) CAUSE NO. 79D02-0206-CP-36
))
 TIPPECANOE COUNTY BOARD)
 OF COMMISSIONERS, and JANET)
 R. BOOTSMA,)
 Defendants)

AGREED ORDER

Comes now the Petitioner, City of Lafayette, by counsel, and come now also the Defendant, Tippecanoe County Board of Commissioners, by counsel and do stipulate and agree to the following:

1. That the fee simple owner of the real estate described in attached Exhibit "A" is unknown to the parties;
2. That Defendant Tippecanoe County Board of Commissioners does not claim a right, title or interest in said property;
3. That a default judgment was entered by this court against Defendant Janet R. Andre' Bootsma on August 19, 2002, as to said Defendant's right, title and interest in said property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that JUDGMENT be and is hereby entered on the foregoing findings as follows:

1. The fee title of the real estate described in attached Exhibit "A" is hereby quieted to the City of Lafayette and all right, title and interest to said real estate is ordered to be and the same hereby is transferred absolutely to the City of Lafayette.
2. All issues pertaining to the Complaint to Quiet Title are hereby fully resolved and said Complaint is hereby dismissed with prejudice.

Entered this 4th day of September, 2002.

 Judge, Tippecanoe Superior Court II

AGREED AND APPROVED:

 Alexa C. Bilsland
 Attorney for City of Lafayette

David W. Luhman
 Attorney for Tippecanoe County Board of
 Commissioners

EXHIBIT "A"

Fee Simple Taking
 Project: DE-0084(804)
 Parcel 231

A part of the Northeast Quarter of Section 20, Township 23 North, Range 4 West, and a part of Fractional Lot 5 of Cabot and Huntington Addition (as recorded in Plat Book H, Page 382, Office of the Tippecanoe County

Recorder) to the city of Lafayette, Tippecanoe County, Indiana, and being, that part of the grantor's land lying within the right of way lines depicted on the attached Right-of-Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the Southwest corner of Lot 12 of said Levi Hawkins Addition; thence North 00 degrees 29 minutes 23 seconds West (all bearings based on bearing system for Project DE-0084(804)) along the West line of Lots 12 through Lot 7 a distance of 415.59 feet; thence North 89 degrees 30 minutes 37 seconds East 145.41 feet to the point designated "106" on the attached Right-of-Way Parcel Plat (Exhibit B) also being the point of beginning of this description; thence South 89 degrees 31 minutes 52 seconds West along the South line of the Grantor's land 37.37 feet to the West line of the Proposed Railway Corridor also being the track face of a galvanized steel bin wall, (the intent is for the Proposed Railway Corridor to follow the track face of the galvanized steel bin wall) also the point designated "85" on said plat; thence North 23 degrees 42 minutes 36 seconds East along said track face of the galvanized steel bin wall 153.57 feet to the point designated "88" on said plat also the North line of the Grantor's land; thence South 89 degrees 54 minutes 04 seconds East along said North line 32.95 feet to the point designated "109" on said plat also the East line of Grantor's land; thence South 22 degrees 14 minutes 04 seconds West along said West line 151.51 feet to the point of beginning and containing 4,931 square feet, or 0.113 acres, more or less, inclusive of the presently existing Right-of-Way which contains 2.660 acres, more or less, for the net additional taking of 0.000 acres, more or less.

(unquote)

- Commissioner Benson moved to approve the Quiet Title Order and authorize the County Attorney to sign it, seconded by Commissioner Shedd; motion carried.

APPOINTMENT: Tippecanoe County Library Board

- Commissioner Benson moved to approve the appoint of Dinah McClure to the Tippecanoe County Library Board for a term expiring December 2003, seconded by Commissioner Shedd; motion carried.

REPORTS

Reports for Circuit Court, Veterans Services, and Treasurer are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Benson moved to adjourn, seconded by Commissioner Shedd; motion carried.

Robert A. Plantenga, Auditor

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor